



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3002946
3004481

Applicant Name: Rudy Young for Anka Development
Daniel Jenkins

Address of Proposal: 4040 26th Ave SW
4045 Delridge Way SW

SUMMARY OF PROPOSED ACTION

Land Use Permit (3002946) to allow a six-story building with 154* residential units and 2,500 square feet of retail use and 11 live-work units on the ground floor. Parking for 221 vehicles will be located within the structure. Project includes 17,000 cubic yards of grading.

Land Use Permit (3004481) to allow 125 parking stalls on the east side of existing structure (administrative and medical services office) and remove 162 parking spaces on the west side of the building. Review includes grading of approximately 2,000 cubic yards of material.

The following approval is required:

SEPA – Environmental Determination
Chapter 23.05 Seattle Municipal Code

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions**

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

*Project description in notice included 138 residential units.

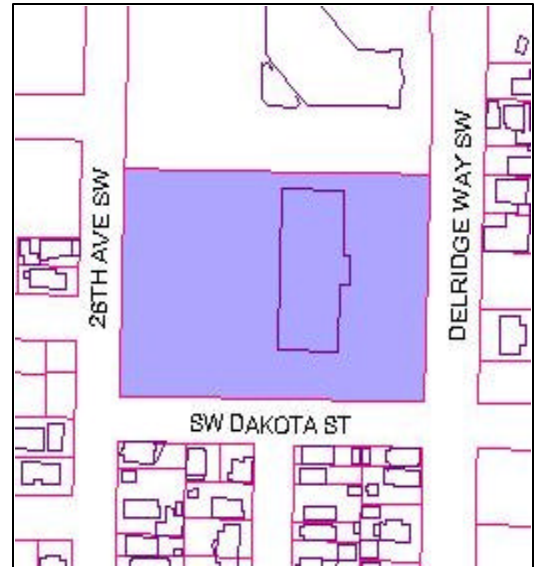
** The Notice of Early DNS for project 3002946 was published January 30, 2006 and the Notice of Early DNS was published on April 27, 2006 for project 3004481.

BACKGROUND DATA

Site & Area Description

The subject site is located in the Delridge neighborhood occupies the southern half of the block bounded by SW Dakota Street to the south 26th Ave SW to the west and SW Andover Street to the north and Delridge Way SW to the east. The existing site encompasses a land area of approximately 52,500 square feet, located in a Commercial 1 (C1-65) zone. The site is rectangular in shape.

The western half of the block is currently surface parking and the eastern half of the block contains two office buildings. There is no alley on the site. The slopes downward from east to west and contains several existing trees and plantings along the perimeter of the site. The abutting right-of-way to the south, Southwest Dakota Street, is fully improved with curbs, sidewalk, gutters, etc. The abutting right-of-way to the west, 26th Avenue Southwest, is not fully improved.



Proposal

The existing surface parking lot located on the western half of the site currently accommodates 165 vehicles. In order to allow development to occur on this site, most of the parking will be relocated to the eastern half of the site that currently contains a structure (DSHS) and surface parking for 14 vehicles. The project will re-configure the eastern half of the site to accommodate 111 added parking stalls, for a total of 125 stalls (Project 3004481).

Related to this proposal, a different applicant is proposing to develop a surface parking lot into a mixed-use structure with 154 residential units, 11 live work units and 2,500 square feet of commercial retail use. Parking for 221 vehicles to be provided in below-grade parking garage. Vehicle access will be provided from two 22 foot wide curb cuts, one off of SW Dakota Street and one from 26th Avenue SW (Project 3002946).

Related Projects

A Lot Boundary Adjustment is under review (project number 3003001) separate the proposed development from the existing structure and use on the subject site

Public Comment:

The DPD comment period for project #3002946 ended on February 13, 2006 and was extended to February 27, 2006. Nine comments letters were received and the following issues were raised:

- Prefer for proposed residential units to be condos, rather than apartments.
- Preserve existing trees and shrubs that are located on the perimeter of the subject site.

- Concerned with overflow parking generated by the proposed development and fear that proposed building will not accommodate the parking needs.
- Interested in the specific retail tenants that will occupy the proposed retail space.
- Concerned with traffic generated on 26th Ave SW and SW Dakota Street. Interested in traffic control measures at these locations.
- Concerned that transients may be attracted to the neighborhood.
- Concerned with property values affected by proposed development.
- Excited to have small scale retail opportunities available within walking distance.
- Displeased with the proposed density.
- Would like to see a structure where the massing design is sensitive to the neighborhood.
- Encourage developer to reach out to neighborhood and solicit feedback directly.
- Concerned with the loss of the existing parking lot and the spillover potential to the streets.
- Question the viability of retail uses at this location.

The DPD comment period for project #3004481 ended on May 10, 2006. No comments were received.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklists submitted by the applicants (dated December 7, 2005 and February 15, 2006) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency, with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 17,000 cubic yards of excavation for construction of the mixed use structure and 2,500 cubic yards for re-grading the eastern portion of the site. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of building activity to be undertaken in association with the proposed project, additional analysis of air quality, grading, noise and traffic impacts is warranted and summarized below:

Environmental Element	Discussion of Impact
1. Drainage/Earth	<ul style="list-style-type: none"> • 2,500 cubic yards of grading. • 17,000 cubic yards of excavated materials.
2. Traffic	<ul style="list-style-type: none"> • Increased vehicular traffic adjacent to the site due to construction vehicles.
3. Construction Noise	<ul style="list-style-type: none"> • Increased noise from construction activities.
4. Air Quality	<ul style="list-style-type: none"> • Increased particles released.
5. Parking	<ul style="list-style-type: none"> • Sequencing of parking relocation.

Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Earth/Grading

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 19,500 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

The construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Construction: Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately 250 single-loaded truckloads to remove the 2,500 cubic yards of material to grade the parking lot on the eastern portion of the site and 1,700 single-loaded truckloads to remove the estimated 17,000 cubic yards of material for the construction of the mixed-use building.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the p.m. peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

1. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

This condition will assure that construction truck trips do not interfere with daily p.m. peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Noise

The development site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the subject site. The proposal is, therefore, conditioned to limit construction activity to non-holiday weekday hours between 7:30 A.M. and 6:00 P.M. After the structure is enclosed, interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

Parking

The parking relocation from Parcel A to Parcel B is anticipated to occur prior to any grading or construction activities on Parcel A per the Land Use Code. As such, there are no adverse impacts to the parking supply anticipated, provided that the relocated parking becomes available on Parcel B at the time that any site work begins on Parcel A.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site;

increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of multifamily structures and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

Height, Bulk, and Scale

The design of the mixed-use building (containing a total of 154 units) is similar in proportion and materials, found in Neighborhood Commercial and Commercial zones. The building will be arranged in two tower elements above a common base. The southern tower is L-shaped and wraps around to the south elevation, while the northern tower is rectangular and is situated along the northern portion of the base. A common courtyard for the residential tenants separates the two tower buildings and opens to the west. This configuration reduces the impact of bulk along 26th Ave SW with a two story building along the street face with the ends of the towers limited to the corner portions of the site. The bulk of the building is situated along SW Dakota Street, which has far shorter street frontage than 26th Ave SW. Along both 26th Ave SW and SW Dakota Street, the retail and live/work units at the ground level are set back from the sidewalk to allow for individualized entries. These areas are landscaped and appear as a semi-public extension of the sidewalk environment. The area between the structure's façade and right-of-way will be landscaped with trees, shrubs, and forms of vegetation to soften the property's edge. All of the facades are modulated and include balconies. These design elements break up the appearance of bulk of the facades and will mitigate the height, bulk, and scale impacts of the structures. To the north and east, the zoning designation continues and the existing three story commercial building abutting the site to the east is not anticipated to be adversely impacted by the proposal. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Traffic and Transportation

A traffic study was submitted to DPD by Jake Traffic Engineering, Inc dated March 7, 2006 evaluating the impacts of the proposed development to the surrounding street system.

The vehicular traffic generated by the project will be both residential and business-related and will likely peak during the weekday PM hours. As depicted in the traffic study, trip generation information was calculated using average PM peak hour trip generation rates obtained from the Seventh Edition of the ITE *Trip Generation Manual*. For the existing and proposed developments, trip generation rates associated with General Office (710), High Rise Condominium/Townhouse (232), and Specialty Retail (814) were used.

Using the ITE data, there will be approximately 77 additional PM peak hour trips. These additional trips do not reflect any reduction in trips due to use of the retail by project residents or by motorists already on the roadway system. Therefore, the actual numbers are likely to be less due to internal capture and pass-by trips. Additionally, these ITE figures tend to be higher than what is expected in an urban environment where transit

readily services this neighborhood and provides direct connections to downtown Seattle. This relatively low number of additional trips will not adversely impact the existing levels of service of surrounding intersections.

The estimated increase in trips during the PM peak hours is not considered a significant impact and no mitigation measures or conditioning pursuant to the SMC Chapter 25.05, the SEPA Ordinance is warranted.

Parking

The existing site contains 165 parking spaces, 125 of which will be relocated to the east side of the existing building. The proposed development includes 221 parking spaces to be provided on-site. The proposed parking spaces are distributed among three levels of below grade parking. Using the Third Edition of the Institute of Traffic Engineers *Parking Generation Manual*, and the Parking Demand Analysis prepared by JTE, Inc dated May 15, 2006, parking generation rates associated with Residential Condominium/Townhouse, retail and live/work uses were used. The results of the parking generation are shown below:

Parking Demand Calculations: Existing & Proposed Use

Use	Use Per ITE Land Use	Use Per SMC	Independent Variable	ITE	Total Spaces per ITE	SMC Required	Proposed
Existing	Parking		162 stalls	162 spaces associated with existing surface parking lot 14 spaces associated with existing office uses = 176 stalls			
Existing	Office		N/A				
Proposed	Residential Condominium (ITE 230)	Multifamily Residential	154 units	= 204 spaces	Peak Demand = 215 (overnight)		221
Proposed	Commercial Retail	Commercial Retail	2,500 SF	= 7 spaces*			
Proposed		Live/work units	11 units	= 11 spaces			
Net New Parking Stalls = 45							

* Commercial/retail demand peaks during daytime/early evening hours.

Typically, the various uses in mixed-use projects have parking demand that peaks at different times of the day. For this project, the multifamily residential housing units will have its peak demand in late evening and overnight hours, while the commercial component will generate peak parking demand during daytime/early evening hours. The time of peak parking demand for live/work units may vary depending on the particular activities within each unit.

As noted in the table above, the multifamily residential component of the project will generate the greatest parking demand. As this will occur at night, the overall peak parking demand for the project will occur at night as well. This peak demand is estimated to be 215 vehicles (204 from the multifamily residential, and 11 from the live/work units).

The proposed parking supply for the project is 221 spaces, which exceeds the expected peak demand. Typically, not all parking spaces within a large supply are usable; a reasonable adjustment to identify the practical parking supply is to reduce the proposed number of spaces by 5 percent. Applying a 5 percent reduction to the proposed supply for this project results in an effective supply of approximately 210 spaces. This suggests that, at peak times, a small amount of on-street parking could be used by residents of the project. Much of the development adjacent to or near the project site is commercial, which is likely to generate very little parking demand during the peak parking times for this project; it is likely that the street frontages adjacent to these commercial developments have available on-street parking in the late evening and overnight. A traffic impact analysis submitted for this project by JTE, Inc. (May 15, 2006) noted that 15 usable street parking stalls were adjacent to the site. It is anticipated that, to the extent this project generates spillover parking demand; this demand will be accommodated by on-street parking spaces along 26th Avenue SW and SW Dakota Street. Therefore, the project is not expected to generate adverse parking impacts, and no mitigation is required.

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

The owner(s) and/or responsible party(s) shall:

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction

personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

1. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.
2. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:30 AM and 6:00 PM and Saturdays between 9:00 AM and 6:00 PM. This condition may be modified by the Department to permit work of an emergency nature of to allow low noise exterior work (e.g., installation of landscaping) after approval from the Land Use Planner. After the structures are enclosed, interior work may proceed at any time in compliance with the Noise Ordinance.

Non-appealable Condition

3. The parking relocation from Parcel A to Parcel B must be established prior to any site or construction work on Parcel A.

Compliance with all conditions must be verified and approved by the Land Use Planner, Lisa Rutzick, ph.: 206-386-9049, at the specified development stage, as required by the Director's decision. The applicant/responsible party are responsible for providing the Land Use Planner with the appropriate documents at the construction intake appointment. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved.

Signature: _____ (signature on file) Date: June 22, 2006
Lisa Rutzick, Land Use Planner
Department of Planning and Development
Land Use Services

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